

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-HC-2137-H-JG

UNITED STATES OF AMERICA)
Petitioner,)
v.) MOTION TO EXTEND TIME
EARL WEBSTER COX,) TO PRODUCE INITIAL DISCLOSURES
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves the Court for an order extending the time to provide expert evaluation and report from September 15, up to and including October 1, 2011, and in support thereof shows unto the Court:

1. On July 12, 2011, Petitioner filed a Certificate of Sexually Dangerous Person pursuant to 18 U.S.C. § 4248 against Respondent. (D.E. #1.) On July 26, 2011, the Court issued a scheduling order. (D.E. #3). In the order, the Court stated that Petitioner should serve its initial disclosures by September 15, 2011.

2. The Bureau of Prisons (BOP) has been preparing the initial disclosures on the last 12 cases that were initiated on June 1 as well the 12 cases which have been remanded from the Fourth Circuit in addition to the latest cases in which this court set the September 15, 2011 deadline for initial

disclosures. As requested by the court, in order not to delay opposing counsel in commencing work on these cases, the BOP material on CD, redacted, scanned, and Bates stamped, should be delivered to Respondent's counsel by September 1, 2011 on these latest cases, including the present case.

3. With the approximately 30 cases being prepared, this office has been able to schedule the review by experts and their evaluations in almost all of the cases by the scheduled dates. However, this office has been unable to schedule the evaluations and reports of approximately three cases, one of which is the present case of Earl Cox. However, we have been able to obtain the commitment by experts to complete their review and evaluation reports by October 1, 2011.

4. We recognize that there is a little over a month before the due date for the disclosures. As indicated, the BOP CDs will likely be delivered by September 1. The time from the completion of the CDs and the deadline of September 15 is too short to obtain the completed expert evaluations on this case.

5. An extension of 15 days will allow Petitioner the time to have the evaluation and report on Earl Cox completed by October 1, 2011.

6. As indicated, the BOP materials on CD will be delivered to Respondents' counsel by September 1, 2011 and the evaluation report by October 1, 2011.

7. This request for an extension will not delay in any manner the timeline for achieving the trial and resolution of this case.

8. Petitioner asks that Respondent's time to produce his initial disclosures not begin until he receives all of Petitioner's initial disclosures.

9. Counsel for Petitioner conferred with counsel for Respondent about this motion, and counsel for Respondent does not object to it.

CONCLUSION

WHEREFORE, Petitioner requests an extension to provide the expert evaluation report from September 15, 2011, up to and including October 1, 2011, and that Respondent's deadline to produce expert evaluation report be extended for a corresponding time period.

Respectfully submitted, this the 10th day of August, 2011.

THOMAS G. WALKER
United States Attorney

BY: /s/ R. A. Renfer, Jr.
R. A. RENFER, JR.
Assistant United States Attorney
Civil Division
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-mail: rudy.renfer@usdoj.gov
N.C. Bar No. 11201
Attorney for Petitioner

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon Samuel Forehand, counsel for the respondent, by electronically filing the foregoing with the Clerk of Court, August 10, 2011, using the CM/ECF system which will send notification of such filing above.

/s/ R. A. Renfer, Jr.
R. A. RENFER, JR.
Assistant United States Attorney
Civil Division
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, NC 27601-1461
Telephone: (919) 856-4530
Facsimile: (919) 856-4821
E-mail: rudy.renfer@usdoj.gov
N.C. Bar No. 11201
Attorney for Petitioner